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C O N F I D E N T I A L SECTION 01 OF 03 USUN NEW YORK 000349

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TAGS: [PREL](#) [PTER](#) [UNSC](#) [SY](#) [LE](#)

SUBJECT: LEBANON TRIBUNAL: P-3 PERMREPS MEET GOL ADVISOR  
CHATTAH TO DISCUSS NEXT STEPS

REF: A. USUN 347

[1](#)B. STATE 58678

Classified By: Ambassador Alejandro D. Wolff, per 1.4 (b) and (d).

[1](#)1. (C) Summary. During a meeting with P-3 PermReps on May 3, GOL senior foreign policy advisor Mohammad Chattah reported that while UNSC delegates with whom he had met were generally positive about the need to establish the tribunal, several expressed concerns about the international legal implications of Chapter VII on the tribunal, questioned whether the GOL had exhausted all other options, and asked if further efforts by SYG Ban Ki-Moon or UN Legal Counsel Nicolas Michel could result in further progress. Chattah implied that the Russians want more time to let their efforts with those opposed to the tribunal, including the Syrians, bear fruit. P-3 PermReps were cautious in their assessment of Council sentiment following the May 2 consultations (reftel). They emphasized that we will need a clear letter from the GOL requesting that the Council take "binding" or "mandatory" action to create the court, as well as more categorical support by the SYG, before we press ahead in the Council. We will also need to turn off any prospective trips to Lebanon by SYG Ban or Arab League SYG Moussa to encourage a solution to the tribunal issue. Chattah agreed to a timeline and sequence of steps on the way forward. End Summary.

#### Chattah's Assessment of UNSC Views

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[1](#)2. (C) Chattah reported that UNSC delegates with whom he had met -- and he planned to see them all before leaving New York ) were generally positive about the need to establish the tribunal. Nonetheless, several delegations expressed concerns about the international legal implications of using Chapter VII to create the tribunal, questioned if the GOL had exhausted all other options to establish the court, and asked whether the SYG's further good offices contacts might result in progress. In response to these concerns, Chattah said he argued that the Siniora government did not want simply to delay a decision, but was prepared to deal further with the opposition only if it received concrete assurances that it will negotiate to establish the court -- and not link this to the political process in Lebanon -- which they have thus far refused to do. In talks with developing countries, in particular, Chattah said he had emphasized that the tribunal is a Lebanese, not a P-3, initiative. (Note: Please see paras 8 and 9 for additional details about delegation views. End Note.)

[1](#)3. (C) The Russians, he said, had underscored that the Security Council appears to be running Lebanon instead of the GOL and expressed "major legal concerns" about creating the court under Chapter VII. The Russians also noted that they had been "pushing" those opposed to the tribunal, including

the Syrians, to realize that the tribunal will be established one way or another and that it was better for them that it be created through Lebanese parliamentary ratification than under Chapter VII. Chattah implied that the Russians wanted the UNSC to wait before taking action.

#### P-3 More Cautious, Press for GOL Letter

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¶4. (C) P-3 PermReps were more cautious in their assessment of Council sentiment following the May 2 consultations (reftel).

Ambassador Khalilzad argued that without a clear, strong letter soon from the GOL and clearer support by the SYG, calls to give the Lebanese process more time might prevail in the Council and undermine our ability to secure the necessary support for a Chapter VII resolution. French PermRep de la Sabliere assessed that the mood in the UNSC, with the exception of supportive interventions by Belgium and Peru, was that time for Chapter VII had not yet come and that the SYG should carry on with his efforts. In order to proceed with a resolution, de la Sabliere argued we must agree on a P-3 draft UNSCR, ensure that SYG Ban is ready to push for UNSC action -- which he is not currently ready to do -- and secure a letter from the GOL and the March 14 parliamentarians. UK PermRep Jones-Parry shared the U.S.-French assessment, although he cautioned that it might take two to three weeks to get the Council in a position to vote on an UNSCR after it is first introduced.

¶5. (C) P-3 PermReps agreed that the language in a future letter from PM Siniora to the SYG should mirror elements of a P-3 draft Chapter VII resolution establishing the court (the text of which has yet to be discussed). They told Chattah that the letter, if it cannot refer explicitly to Chapter

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VII, must ask the Council to take a "binding" or "mandatory" decision to establish the tribunal as laid out in the UN-GOL agreement. While the GOL should preview the letter for SYG Ban in the hope that he will support its message in his briefing to the Council, Ambassador Khalilzad argued that the GOL must not wait for a green light from Ban before dispatching the letter because the P-3 would need the letter to address Russian concerns over GOL action and stiffen the SYG's resolve. The GOL must, however, consult with the P-3 on the text of the letter before it is sent.

#### Managing Amr Moussa and Ban Ki-Moon

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¶6. (C) Ambassador Wolff told the group that SYG Ban was contemplating traveling to Lebanon in the near future to push for a solution to the tribunal issue. Chattah said there were indications that Arab League SYG Amr Moussa might also be re-engaging. If the GOL and P-3 want to move forward quickly with a Chapter VII resolution, these trips will need to be turned off. Chattah agreed and recalled that he had told the SYG that Michel had done everything possible during his last trip to Beirut. He added that PM Siniora would try to reach SYG Ban during the Sharm conference. De la Sabliere suggested that Secretary Rice might talk to the SYG as well. Turning to Moussa's involvement and the Arab League, de la Sabliere observed that Arab states need to argue that all parliamentary options to establish the tribunal are blocked. Chattah suggested that some Arab states, including Saudi Arabia, had been reluctant to take that position because of a "charm offensive" launched by Lebanese Parliament Speaker Berri and due to fears of a Sunni-Shi'a conflict in Lebanon.

#### Chattah Outlines Way Forward

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¶7. (C) Based on discussions with the P-3, Chattah summarized the agreement to begin taking the following steps concurrently:

-- GOL and P-3 engage SYG Ban  
-- GOL and P-3 lobby UNSC members in capitals, Russians in particular  
-- P-3 agree on draft UNSCR and coordinate with Beirut on language for Siniora letter to the SYG requesting that the SC establish the Tribunal.

Once the SYG returns from Sharm al-Sheikh, the following steps could be taken chronologically:

-- March 14 MPs send their letter to the SYG  
-- PM Siniora finalizes his letter with P-3 and previews for SYG  
-- PM Siniora sends letter to SYG  
-- GOL and P-3 work with SYG on his briefing to Council  
-- SYG Ban briefs Council on the Lebanese impasse and endorses the Siniora letter  
-- P-3 table draft resolution

#### Lebanese Report of Member Positions

18. (C) At the conclusion of Chattah's meetings with Security Council delegations, Amal Mudallali, Saad Hariri's advisor who participated in the meetings, shared with USUN her understanding of member positions not discussed in detail earlier in Chattah's meeting with the P-3.

-- China: The Chinese DPR told the Lebanese that China wants diplomatic efforts to continue. He said China would like Amr Moussa and the Arab League to link Arab efforts with UN SYG Ban's outreach for another try. He said the Security Council had established tribunals to address international crimes such as genocide; this tribunal, which would apply both Lebanese and international law, raised questions of law and precedent for China. (Note: Moussa is scheduled to be in New York May 11, and AL PR Mahmassani has arranged a luncheon for him with the P-5. End Note.)

-- Qatar: The Lebanese spoke with Qatari Minister-Counselor Mutlaq al-Qahtani, who insisted that the tribunal could only be established by the Lebanese. He asked about President Lahoud's "outstanding" objections to the statute. The Lebanese delegation told him those issues had been addressed months ago.

-- Italy: PR Spatafora told the Lebanese that the position of the Italian government is to support establishment of the tribunal. But he asked repeatedly if there were any other

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options to break the political impasse in Lebanon, and also asked about the consequences for the situation in Lebanon if the Security Council intervened. He advised Chattah to consult with Italian FM D'Alema.

-- South Africa: Mudallali described PR Kumalo as "very supportive." She said he advised Chattah of the types of questions he could expect from other delegations, and expressed a personal interest in visiting Lebanon.

-- Peru: Peruvian PR Voto-Benales expressed legal concerns about the competence of the Security Council to establish the tribunal and the precedent it would set. He said there are suspicions that the effort to establish the tribunal in the Security Council is politically motivated, and advised that there are sensitivities about excessive multilateral intervention in Lebanon. He told the Lebanese that finding the political will to unlock the Security Council will not be easy.

-- Panama: Panamanian PR Arias advised the Lebanese delegation that a request from the GOL for assistance was necessary. "We want to know that this is what you want," he reportedly said. Mudallali characterized his general approach as "excellent."

-- Congo: The Lebanese spoke with PR Ikouebe, who gave a positive response.

9) (C) Mudallali reported that the Lebanese had been unable to meet with the Ghanian delegation. She said that Saad Hariri had phoned Pakistani President Musharraf to urge his intervention with the Indonesians. Hariri also talked to "some people" in the Congo, and plans to call Russian President Putin.  
KHALILZAD